

# **MISSOURI COURT OF APPEALS WESTERN DISTRICT**

**DERRICK DELAROSA, Sucessor Personal Representative of THE ESTATE OF  
PHYLLIS DELAROSA and DERRICK DELAROSA, Individually,**

**Respondents,**

**v.**

**FARMERS STATE BANK S/B,**

**Appellant.**

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**DOCKET NUMBER WD77941**

**Date: November 10, 2015**

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Appeal from:  
Vernon County Circuit Court  
The Honorable Dennis D. Reaves, Judge

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Appellate Judges:  
Division Three: Karen King Mitchell, Presiding Judge, Lisa White Hardwick and Anthony  
Rex Gabbert, Judges

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Attorneys:  
Thomas M. Schneider, Columbia, MO for Respondent.  
Jerry M. Kirksey, Bolivar, MO for appellant.

# **MISSOURI APPELLATE COURT OPINION SUMMARY**

## **COURT OF APPEALS -- WESTERN DISTRICT**

**DERRICK DELAROSA, Sucessor Personal Representative of THE ESTATE OF PHYLLIS DELAROSA and DERRICK DELAROSA, Individually**

**Respondents,**

**v.**

**FARMERS STATE BANK S/B,**

**Appellant.**

WD77941

Vernon County

Before Division Three: Karen King Mitchell, Presiding Judge, Lisa White Hardwick and Anthony Rex Gabbert, Judges

Farmers State Bank appeals the circuit court's judgment awarding actual and punitive damages to Derrick DeLaRosa and the Estate of Phyllis DeLaRosa on their conversion claim against the Bank. The Bank contends the circuit court erred in instructing the jury on the conversion claim and in submitting the claim for punitive damages.

**AFFIRMED.**

Division Three Holds: (1) The court did not err in instructing the jury on the conversion claim pursuant to Section 469.270 because there were facts to show that the Bank benefited from the subject transaction and had "actual knowledge" that it was applying proceeds of checks to a debt owed the Bank. (2) DeLaRosa and the Estate presented sufficient evidence to support the punitive damages claim based on the Bank's effort to conceal evidence of the conversion.

Opinion by: Lisa White Hardwick, Judge

**November 10, 2015**

**THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.**